

REMARKS

Claims 1-2, 4-7, 9 and 12 are pending in this application, of which claims 1, 7 and 12 are independent. Applicants acknowledge that claim 7 and 9 are allowed.

Independent claim 1 was rejected under 35 USC 103(a) for obviousness under Saheki in view of Robinson. Applicants submit that Saheki and Robinson, either alone or in combination, would not have rendered obvious a transmitter of a tire of a vehicle including a controller “wherein, when the vehicle is determined not to be moving, the controller sets the transmission power to a first transmission power greater than zero,” as recited in claim 1. The Examiner acknowledges that Saheki does not “specifically [state] that the power provided when the vehicle is not moving is greater than zero” (see Office Action, page 2). However, the Examiner argues that it would have been obvious to combine “a sleep mode of power as suggested by Robinson” with Saheki to arrive at the claimed feature. Applicants disagree.

According to Robinson, a “function of passage of the magnet across the transmitters is to ‘wake up’ the transmitters from a sleep mode into which they are placed at the time of manufacture, in order to reduce significant battery drain prior to installation, and thus extend transmitter shelf life” (column 7, lines 16-20). While Robinson may describe a “sleep mode,” its application appears to be limited to conserving transmission power prior to installing a tire. Robinson makes no mention of “when the vehicle is determined [by the controller] not to be moving, the controller sets the transmission power to a first transmission power greater than zero,” as recited in claim 1. That is, Applicants submit that there is no teaching or suggestion that Robinson’s “sleep mode of power” has anything to do with the determination of the movement of the vehicle.

For at least these reasons, claim 1 is not rendered obvious by Saheki and Robinson, either alone or in combination. For at least the same reasons, claim 2 and 4-6, which depend from claim 1, are also not rendered obvious by Saheki and Robinson.

Applicants now turn to independent claim 12. This claim was also rejected for obviousness under Saheki in view of Robinson. Applicants submit that Saheki and Robinson, either alone or in combination, would not have rendered obvious a method including “setting the transmission power to a first transmission power greater than zero when the vehicle is determined not to be moving” as recited in claim 12. For at least the same reasons discussed in


conjunction with claim 1, Applicants submit that claim 12 is not rendered obvious by Saheki and Robinson, either alone or in combination.

It is believed that all issues raised regarding the pending claims have been addressed. The absence, however, of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please charge any additional fees required for this response to deposit account 06-1050, referencing Attorney Docket No. 09253-008001.

Respectfully submitted,

Date: 10-11-06



Kevin Su
Reg. No. 57,377

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906